

EXHIBIT D

DECLARATION OF ANN M. O'LEARY IN SUPPORT OF DEFENDANTS' OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION

Soft Money' Contributors Will Do What Brown Won't

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(12-01) 04:00 PDT San Francisco -- A couple of weeks back, we told you about the record-breaking influx of "soft money" into Mayor Willie Brown's November re-election campaign.

ut as Al Jolson used to say, ``You ain't seen nothing yet."

In the next two weeks, Willie's friends in labor, business and the state Democratic Party are planning a million-dollar avalanche of ``independent expenditures" to help him beat Tom Ammiano in the December 14 runoff.

"We're going to be bigger than the campaigns themselves," predicts political consultant John Whitehurst, who along with gay consultant Robert Barnes and downtown's Mark Mosher have teamed up in recent weeks to form no fewer than four Brown-friendly PACs.

You see, under city law, ``independent" committees are not bound by the city's \$250 contribution limit. They can raise and spend as much as they like.

And boy, are they planning to spend.

"San Franciscans for Sensible Government" -- funded by the Gap honcho Don Fisher, real estate mogul Walter Horenstein and others -- will spend more than \$300,000 over the next two weeks on 30-second TV spots contrasting" Brown and Ammiano's stances on such hot-button issues as taxes and the Muni.

The goal: to do what Brown has so far refused to do -- go negative on Ammiano's liberal track record in the hopes of swinging the city's more conservative voters to the mayor.

The downtown interests are also bankrolling a \$41,000 get-out-the-vote campaign for the Chinese community, plus a citywide mail campaign highlighting Ammiano's past calls for tax increases.

And it's not just downtown that's rolling out to help Willie. Big labor is right there as well.

Unlike the downtown interests, however, the labor folks won't be hitting their longtime friend Ammiano on such issues as raising taxes. Instead, word is, they'll be spending upwards of \$480,000 to heap praise and get out the vote for their oft-criticized friend, Mayor Brown.

The labor drive begins in earnest this week, when the first of a 250,000-piece direct-mail barrage hits the streets.

The \$80,000 mail drop, designed by Sacramento's Richie Ross, will drive home the point that 30,000 jobs have been created on Brown's watch.

And, if that weren't enough, the Service Employees International Union, which has already helped out Brown with more than \$350,000 over the past 18 months, is kicking in an additional \$50,000 for the runoff to help both Brown and District Attorney Terence Hallinan.

Meanwhile, the state Democratic Party, which ran a \$70,000 to \$80,000 independent campaign in Brown's behalf during the first-round election in November, is planning to match or exceed that effort for the runoff.

Even Brown's old friends in the Legislature are getting into the act.

State Senate President Pro Tem John Burton recently shot off a letter to members of the Senate staff -- on official-looking stationery -- telling them that ``Willie is in the fight of his life," and urging them to commit four days for the final push.

The letter told the staff members that arrangements had already been made for vans, hotel accommodations and food.

And what is Ammiano doing on the ``soft money" front?

From what we can tell -- zip.

It doesn't even look like there will be any big national ``gay money" coming his way. As one gay fund-raiser told us, ``A lot of the national gay money is very snooty."

And as we know, Ammiano has never been big with the tuxedo crowd -- gay or straight.

In fact, the Ammiano camp is planning to raise and spend only about \$300,000 in the race -- \$100,000 less than the cap.

As campaign treasurer Esther Marks tells us: ``As long as we can pay the bills, we're happy."

HOLIDAY PERKS: Y2K equals cold cash for BART workers working the New Year's holiday -- and we mean big bucks.

Officials at the transit system have just negotiated a side letter with their unions calling for workers brought in on New Year's Eve and the next day to get triple their regular pay.

That means a senior BART cop will be making nearly \$90 an hour. Train operators and station agents will average more than \$64 an hour.

Total tab for the extra BART service: an estimated \$1 million.

Why such generous pay?

``The BART people are giving up their millennium to work," says agency spokesman Ron Rodriguez. ``We're going to be the only transportation people to provide round-the-clock service."

And it's not just the rail crews -- office workers can also hop aboard the gravy train. BART is even trying to round up 100 people to work as crowd control ambassadors -- although they might turn down the job once they see what the work entails.

"There are going to be (riders) three sheets to the wind," explains Rodriguez. "We intend to post attendants at the end of the platforms, so we don't have people relieving themselves."

AN OF WORMS: In an attempt to attack his opponent, District Attorney Terence Hallinan this week raised the specter of reopening the murder case of San Quentin inmate Russell Coleman -- a psychotic killer and rapist who even his public defenders describe as one of the worst criminals they've ever seen.

Coleman -- convicted of beating, raping, sodomizing and strangling a woman, as well as molesting an 11-year-old girl and raping a 13-year-old on her way home from school -- was put away with the help of Bill Fazio, who is running against Hallinan.

Coleman's death sentence has since been reversed by an appeals court because the judge improperly instructed the jury -- leading Hallinan to comment that Fazio might have put an ``innocent man" on death row.

It's a great election-year charge -- especially in liberal San Francisco -- but one that could backfire.

Because, from what law enforcement sources tell us, it wasn't just the crimes themselves that were so chilling -- it was Coleman's conduct afterward.

For instance:

When the 11-year-old molestation victim broke down on the stand while identifying Coleman as her attacker, he laughed in her face and told her: ``You loved it."

And when Coleman's mother came to court to plead that her son's life be spared, Coleman called her a ``bitch."

Even while in jail awaiting trial, Coleman stabbed another convict and assaulted a nurse -- effectively derailing attempts by his attorneys to argue that he posed no threat as long as he was kept behind bars.

For his part, Hallinan concedes that Coleman is a ``terrible, terrible guy" -- but he says there's an ``ethical issue" at stake.

"Fazio did not handle this case properly," Hallinan says. "He allowed instructions to be given to the jury that should not have been given. He was not forthright in the discovery, and now he's created issues that have allowed the case to be appealed 18 years after the conviction."

Whatever the case, Hallinan appears to be backing off the case a bit.

He now says that if he does anything about it, it won't be until after the election.

In other words, Hallinan isn't looking for this to become his very own Willie Horton.

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